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UNITED STATES PRETRIAL SERVICES AGENCY
Eastern District of New York

MEMORANDUM

DATE: October 20, 2005

TO: Honorable Frederic Block
United States District Judge

RE: **Zayas, Brenda**
04 CR 924-02
Violation of Release Conditions &
Request to Modify Release Conditions

The above-referenced defendant was arrested on October 8, 2004, charged with violation of 21 U.S.C. 846, Conspiracy to Possess with Intent to Distribute Heroin. She made her initial appearance the same day before United States Magistrate Judge Cheryl L. Pollak and was released on a \$200,000 unsecured bond with the following release conditions: travel restricted to New York State, surrender passport and do not re-apply, subject to random home/employment visits, subject to random drug-testing and, if necessary, drug treatment, and report to Pretrial Services once a week in-person. On July 14, 2005, the Court modified the defendant's reporting condition by reducing it to once per month in-person. The defendant entered a guilty plea on March 17, 2005, and is scheduled to be sentenced before Your Honor on November 10, 2005.

A previous violation memo was submitted on April 13, 2005 regarding the defendant's admitted marijuana use. Since that time, she tested negative. However, we are now writing to inform Your Honor that the defendant has violated the conditions of her release by testing positive for marijuana on October 5, 2005. Pretrial Services spoke to the defendant on October 19, 2005 about the positive drug test and she admitted that she is not dealing well with the stress of the sentencing and that she used at the end of September, early October. Furthermore, she admitted that her Pennsylvania license was suspended for six months due to a ticket that her brother received while driving a vehicle that she recently sold to him and the insurance/registration was lapsing. The defendant stated that she paid a fine and her license was suspended. At this time, Pretrial Services requests that the Court modify her release conditions to report as directed as Ms. Zayas has been instructed to report weekly until her sentencing date. In addition, we will not consent to any further travel outside the restricted area of New York State.

Since the defendant will be sentenced on November 10, 2005, Pretrial Services is not requesting a bail violation hearing, but requests that the matter be addressed at sentencing. We will continue to monitor this situation closely. The defendant has been warned about the importance of remaining drug-free while under supervision. Both AUSA Roger Burlingame and defense counsel Christopher Booth were contacted about this memorandum. Should Your Honor have any questions or need additional information, please do not hesitate to contact the undersigned at (718) 260-2498. Thank you for your time and consideration in this regard.

Prepared by:

Renee Lewis
Renee Lewis

U.S. Pretrial Services Officer

Approved by:

Taia V. Givens
Taia Givens

Supervising Pretrial Services Officer

Attachment

RE: **Zayas, Brenda**
Docket No.: **04 CR 924-02**

IT IS THE ORDER OF THE COURT THAT:

- ☒ The defendant's conditions of release be modified to report in-person once per week.
- ☐ No action with regard to the defendant's condition of release is to take place at this time.
- ☐ Other: _____

SO ORDERED,

Honorable Federic Block
U.S. District Judge

October 25, 2005

Date

CC: AUSA Roger Burlingame
Defense counsel Christopher Booth